

EXHIBIT D

ORIGINAL

JESSICA LITZINGER, : IN THE
Plaintiff : CIRCUIT COURT
vs. : FOR
JOHN BRANDON EVERETT, : CECIL COUNTY
Defendant : CASE NO.
: 07-C-01-017 MT

Deposition of JESSICA ANN LITZINGER,
taken on Wednesday, December 5, 2001, at 10:38
a.m., at the law offices of Verderaime & DuBois,
P.A., 1231 North Calvert Street, Baltimore,
Maryland, before Henny H. Gerard, Notary Public.

Reported by:

Henny H. Gerard, RPR-RMR

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APPEARANCES:

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ALSO PRESENT: Barbara Dixon

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P R O C E E D I N G S

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JESSICA ANN LITZINGER,
being first duly sworn to tell the truth, the
whole truth, and nothing but the truth, testified
as follows:

EXAMINATION BY MR. MCAULIFFE:

Q. Ma'am, would you state your full name,
please.

A. Jessica Ann Litzinger.

Q. My name is Michael McAuliffe. We just
met a few moments ago. I am one of the attorneys
representing Mr. John Brandon Everett as a result
of a lawsuit that you filed.

I am going to ask you a series of
questions today about the lawsuit and the purpose
of the deposition is for you to do the best you
can to answer me. Okay?

A. Okay.

Q. If at any point you do not understand
my question, I need you to tell me that. Okay?

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1 opposed to something bad in your stomach?

2 A. Right, I don't think I had eaten
3 anything bad.

4 Q. What kind of shape was Brandon in when
5 you went, when you were walking to the car?

6 A. Brandon seemed fine. He did not, to
7 me, appear any different than when we left his
8 house. I mean, he was not doing anything
9 unusual. He did not do anything in any way to
10 make me feel uncomfortable.

11 Q. How far was your car parked from Big
12 Falls?

13 A. You mean Fallston Station?

14 Q. Fallston Station.

15 A. Probably 50 feet because we were on the
16 far side of the parking lot. The door is right
17 here and my car is parked, there is a road,
18 parked cars here. Two rows of parked cars here
19 and then another row of parked cars here, we are
20 on this row here. I remember being, like, close
21 to trees, so that would be half on the edge of

the parking lot.

Q. And Brandon, when you got to the car, he was walking with you?

A. Yes.

Q. He opened the door for you, do you remember?

A. He had the keys, he unlocked the passenger side because that is where my leather jacket was. I put my leather jacket on, I started to get in the car and Brandon tried to kiss me at that point.

Q. So this is outside the car or inside the car?

A. This was outside the car.

Q. And so he tried to kiss you outside of the car. Did he say anything?

A. Not that I really remember, but I can't be sure.

Q. At this point do you remember if you smelled any alcohol on him?

A. No, I don't remember that.

1 Q. At any point did it occur to you that
2 perhaps Brandon was drunk?

3 A. No. Again, at no point during that
4 evening did I feel uncomfortable to get into a
5 car with Brandon. He seemed like when I picked
6 him up that night.

7 Q. He got behind the wheel, is that
8 correct, and you got in the passenger seat?

9 A. I got in the passenger seat. I
10 distinctly remember this, my leather coat,
11 because I was a passenger on the way up, was
12 sitting in the passenger seat. I put my leather
13 coat on and got in the passenger seat. He walked
14 around and got into the driver's seat.

15 Q. He walked around the car, he didn't get
16 in the car and slide over?

17 A. No, he would have crushed me.

18 Q. You described before that you backed up
19 a little bit?

20 A. I remember backing up and then we
21 started going forward and it does not seem like

we were very far, I almost remember like saying very quickly, I am going to be sick, you need to pull over, and I remember vomiting.

Q. Did he say anything that you remember?

A. I don't remember.

Q. Did you get out of the car to throw up?

A. No, I didn't have time. I just opened the door because my car sat close to the road, I just, like, heaved, sorry.

Q. So you remained in the car?

A. Yes.

Q. So he pulled over, he was able to get the car stopped before you did that?

A. Yes, I believe so.

Q. After that incident what did you do?

A. Do you mean like in terms of what happened the rest of the --

Q. Well, yeah, I think I know the answer but I want to hear it in your words as opposed to me trying to put words in your mouth.

A. I remember there were several times I

asked him to stop because I had to throw up. I remember distinctly on one time I throw out my car door and actually I didn't get out the door, it was in my seat, like, on the floor. And I was leaning like this and I had this hand and I was leaning like this and I put my hand in it, and I was, like, you've, and I wiped it all over the right side of my pants.

Q. There was more than one time you said, stop, I have to vomit?

A. I, yeah, I remember throwing up a lot, I can't remember how many times but it seemed to be me quite a large amount. There were times, I do remember one other time, the time I threw up on myself and wiped it on myself. I also remember also looking in the grass on that side, I remember that I was hanging out the car looking at grass again using this hand kind of to support myself, I don't know whether that was before or after the time I kind of threw up in the car. I distinctly remember those two times, at least.

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1 Q. What else do you remember? You have
2 told me about the times, there were several
3 times, you don't remember how many, where you
4 said, stop, I have got to throw up?

5 A. I remember waking up in the police car
6 with handcuffs.

7 Q. That is the next thing you remember?

8 A. That is all I remember is waking up
9 with the handcuffs on.

10 Q. Your lawyer will correct me if I have
11 anything wrong, but my understanding is that the
12 hospital you went to did take a blood sample,
13 correct?

14 A. I don't know.

15 Q. You don't remember that?

16 A. I don't remember anything until I woke
17 up in the hospital and there was doctors outside
18 the room saying this poor patient, she has got
19 broken ankles. I looked over at my mother and
20 she was talking to me about that. It was me they
21 were talking about.